

OCT 18 PM 3:31

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

District of Massachusetts

LE MARR TALLEY

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

COMMONWEALTH OF  
MASSACHUSETTS/(D.O.C.)/BERKSHIRE  
AND HAMPDEN (District Attorneys,  
COUNTIES/(B.C.H.C./H.C.H.C), PITTSFIELD  
POLICE DEPARTMENT, MICHAEL J.  
WYNN, CITY OF PITTSFIELD, KATHLEEN  
DEGNAN, DAN BIANCHI, LINDA TYER,

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one)  Yes  No

) ROBERT W. KINZER, ANNE  
) KACZMERACK, KAREN FOSTER, MARTHA  
) COAKLEY, JOHN VERNER and ANDREA  
) HARRINGTON

Defendants

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address

Le Marr Tally  
79 Lincoln St. Apt 1  
Pittsfield / Berkshire  
Massachusetts / 01201  
413 219 4837  
lemarrtally2129@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	<u>City of Pittsfield/Linda Tyer</u>
Job or Title ( <i>if known</i> )	<u>Municipality/Mayor of Pittsfield</u>
Street Address	<u>70 Allen St</u>
City and County	<u>Pittsfield/Berkshire</u>
State and Zip Code	<u>Massachusetts/01201</u>
Telephone Number	<u>413 499 9321</u>
E-mail Address ( <i>if known</i> )	<u>mayoroffice@cityofpittsfield.org</u>

## Defendant No. 2

Name	<u>Pittsfield Police Department/Micheal J. Wynn</u>
Job or Title ( <i>if known</i> )	<u>Municipal Department/Chief of Police</u>
Street Address	<u>39 Allen St</u>
City and County	<u>Pittsfield/Berkshire</u>
State and Zip Code	<u>Massachusetts/01201</u>
Telephone Number	<u>413 488 9700</u>
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	<u>Berkshire County District Attorney Office/Andrea Harrington</u>
Job or Title ( <i>if known</i> )	<u>Judiciary District/District Attorney</u>
Street Address	<u>7 North St</u>
City and County	<u>Pittsfield/Berkshire</u>
State and Zip Code	<u>Massachusetts/01201</u>
Telephone Number	<u>413 443 5951</u>
E-mail Address ( <i>if known</i> )	

## Defendant No. 3 4

Name	<u>Massachusetts Attorney Generals Office/Karen Foster/Anne Kazcmarek</u>
Job or Title ( <i>if known</i> )	<u>Judiciary Law Enforcement/Assisstant Attorney Generals</u>
Street Address	<u>1 Ashburton Place</u>
City and County	<u>Boston/Suffolk</u>
State and Zip Code	<u>Massachusetts/01201 02108</u>
Telephone Number	<u>617 727 2200</u>
E-mail Address ( <i>if known</i> )	

Defendant No. 5

Name	<u>Sonja Farak</u>
Job or Title ( <i>if known</i> )	<u>State Chemist</u>
Street Address	
City and County	<u>Amherst/Hampshire</u>
State and Zip Code	<u>Massachusetts/01002</u>
Telephone Number	
E-mail Address ( <i>if known</i> )	

Defendant No. 6

Name	<u>David Capeless</u>
Job or Title ( <i>if known</i> )	<u>District Attorney</u>
Street Address	<u>7 North St.</u>
City and County	<u>Pittsfield/Berkshire</u>
State and Zip Code	<u>Massachusetts/01201</u>
Telephone Number	<u>413 443 5951</u>
E-mail Address ( <i>if known</i> )	

Defendant No. 7

Name	<u>Dan Bianchi</u>
Job or Title ( <i>if known</i> )	<u>Mayor of Pittsfield</u>
Street Address	<u>70 Allen St</u>
City and County	<u>Pittsfield/Berkshire</u>
State and Zip Code	<u>Massachusetts/01201</u>
Telephone Number	<u>413 449 5600</u>
E-mail Address ( <i>if known</i> )	

Defendant No. 8

Name	<u>Massachusetts Attorney General Office/John Jerner</u>
Job or Title ( <i>if known</i> )	<u>Judiciary Law Enforcement/Assistant Attorney General</u>
Street Address	<u>1 Ashburton Place</u>
City and County	<u>Boston / Suffolk</u>
State and Zip Code	<u>Massachusetts/02108</u>
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 1

Name Massachusetts Department of Corrections / Thomas Turgeon  
 Job or Title (if known) State Prison / Commissioner of D.O.C.  
 Street Address 50 Maple St  
 City and County Wellesley / Worcester  
 State and Zip Code Massachusetts 01759  
 Telephone Number 508 - 422 - 3300  
 E-mail Address (if known)

## Defendant No. 2

Name Robert W. Kinzer III  
 Job or Title (if known) Assistant District Attorney  
 Street Address 7 North St  
 City and County Pittsfield / Berkshire  
 State and Zip Code Massachusetts 01201  
 Telephone Number  
 E-mail Address (if known)

## Defendant No. 3

Name Martha Coakley  
 Job or Title (if known) Attorney General  
 Street Address 1 Ashburton Place  
 City and County Boston / Suffolk  
 State and Zip Code Massachusetts 02108  
 Telephone Number  
 E-mail Address (if known)

## Defendant No. 4

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. 1983

U.S.C. Con.Am. 4, 5, 6, 14

Title 18, U.S.C., Section 242

Mass. Dec.R. Art. 1, 11, 12, 13, 14, 20, 29,

*Massachusetts Administrative Procedure Act 30A/Federal procedure act*

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

\$3,500,000

Plaintiff was incarcerated by various hindred plea agreements, under color of law by Commonwealth of Massachusetts employees and agents resulting in compensation of a total of 2,712 days of incarceration

Plantiff has various civil rights ~~Violations~~ <sup>Violations</sup> and Code of Massachusetts Regulatios on all parties mentioned above

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- ① Sonja Farak, State Chemist, chemist that tampered with nine of Plaintiffs criminal cases (aug 2004-2011)
- ② Ann Kazmerack, Assistant Attorney General, withheld evidence (2017)
- ③ Karen Foster, Assistant Attorney General, withheld evidence (2017)
- ④ Linda Tyer, Mayor, City of Pittsfield, Plaintiff has been denied right to resolution, policy and procedure mandates. trespass orders (2018-2020)
- ⑤ Micheal J. Wynn, Chief of Police, responsible of policy and procedure mandates to be followed (2011-2020)
- ⑥ Andrea Harrington,D.A., violation and deprivation of constitutional rights and confinement, trespass orders (2017-2021)

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plantiff seeks compensary damages \$2,000,000,000 for 2,712 days of incarceration, and violation of constitutional rights and deprivation of rights.

Plantiff seeks \$1,500,000 for punitive damages for past and continual present violation of constitutional rights and deprivation of rights

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.  
\_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):  
\_\_\_\_\_

---

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

① John Verner, Assistant Attorney General, withheld evidence (2019)  
② Thomas Turco III, Commissioner of Corrections, responsible for policy  
- and procedure mandates to be followed.  
③ David Capelless, violation and deprivation of constitutional rights  
and confinement

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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

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#### V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

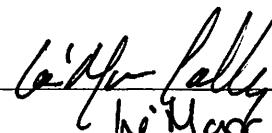
##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

*18*  
10/11/2021

Signature of Plaintiff



Printed Name of Plaintiff

*Linda Marie Talley*

##### B. For Attorneys

Date of signing:

Signature of Attorney



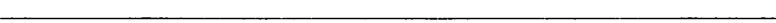
Printed Name of Attorney



Bar Number



Name of Law Firm



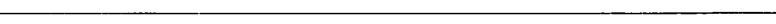
Street Address



State and Zip Code



Telephone Number



E-mail Address

